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Paper No. 11

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In re Application of :
Katherine Grace August and Michelle McNerney :
Application No. 09/303,057 :
Filed: April 30, 1999 :
Attorney Docket No. 3376/34 :
Title: GRAPHICAL USER INTERFACE AND :
METHOD FOR MODIFYING PRONUNCIATIONS IN :
TEXT-TO-SPEECH AND SPEECH RECOGNITION :
SYSTEMS :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.137(a), filed on March 11, 2003, which is properly treated as a petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment.

The petition under 37 C.F.R. §1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to submit a proper reply to the non-final Office Action, mailed December 5, 2001, which set a statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 6, 2002. A Notice of Abandonment was mailed on August 9, 2002.

Petitioner submits that the Office Action was never received. Petitioner has submitted: a copy of a docket report during the relevant period; a Revocation and New Power of Attorney that were filed with the Office, which appointed power of attorney to the petitioner, and; a copy of a notice sent to the petitioner indicating that the change in power of attorney had been made of record. A copy of this notice has been located in the file. Petitioner contends that the Office Action was never received. The copy of the Office Action in the file supports this contention, as it was erroneously mailed to the previous attorney of record.

As such, it is decided that Office Action of December 5, 2001 was sent to the wrong address. In view thereof, the petition under 37 CFR §1.181(a) is **GRANTED**. The holding of abandonment is hereby **WITHDRAWN**.

No petition fee is required. If the petitioner wishes to have the \$110.00 petition fee refunded, he should submit a request for refund to the Office of Finance¹. A copy of this decision should accompany any such request.

¹ The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Commissioner of Patents and Trademarks, Box 17, Washington, DC 20231. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.

The application is being forwarded to Technology Center 2600 for processing of the amendment filed concurrently with the instant petition.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Paul Shanoski
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy